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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/149,721      09/08/98      MUMPER      R      237/023

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HM22/1026

EXAMINER

OWENS JR, H

ART UNIT

PAPER NUMBER

1623

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DATE MAILED:

10/26/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/149,721**

Applicant(s)  
**Mumper et al.**

Examiner  
**Howard Owens**

Group Art Unit  
**1623**



☒ Responsive to communication(s) filed on Jan 27, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1 and 7-9 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1 and 7-9 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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***Response to Arguments***

5 The following is in response to the amendment filed 1-27-00:

An action on the merits of claims 1 and 7-9 is contained herein below.

10 The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-6 have been canceled by applicant.

15 **Withdrawal of finality**

The finality of the rejection of the last Office action is withdrawn in view of the citation of new art.

**Objection to claims**

Claims 7-9 are objected to for the absence of a period.

20 **Sequence Listing**

This application contains sequence disclosures (pages 41 and 51) that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached  
25 Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g).

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**35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 7-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Boullanger et al., *Carbohydrate Research*, vol. 278, 1995, pp. 91-101 or Miyajima et al., EP 457910 A1.

The instant claims are drawn to a glycosylamine compound wherein R<sub>1</sub>' is O-alkyl. Boullanger et al. anticipates this claim as it teaches an alkylated glycosylamine analogous to that set forth in the claims cited supra (p. 95, scheme 2, step ii).

In claim 1, wherein R<sub>5</sub> is O-C-O-alkyl and R<sub>1</sub>' is alkyl, Miyajima anticipates the claim as it teaches an alkylated glucosamine methylglycoside (p. 11, lines 15-50).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Howard Owens whose telephone number is (703) 306-4538 . The examiner can normally be reached on Mon.-Fri. from 8:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the Primary Examiner signing this action, Gary Geist can be reached on (703) 308-1701 . The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.

Howard Owens

Group 1623



GARY GEIST  
SUPERVISORY PATENT EXAMINER  
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